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Honorable Charles R. Breyer
United States District Court Northern District of California
450 Golden Gate Avenue
San Francisco Courthouse, Courtroom 6
San Francisco, California 94102

Re: Jeffrey P. Harris's Application to Serve as a Member of the Steering Committee
In re: Volkswagen 'Clean Diesel' Marketing, Sales Practices and Products
Liability Litigation MDL No. 2672 CRB (JSC)

Honorable Judge Breyer:

Pursuant to the Court's Pretrial Order No. 2, I, Jeffrey P. Harris, of the law firm of Statman, Harris & Eyrich, LLC ("SH&E") respectfully submit the following letter application for membership in Plaintiffs' Steering Committee to represent the interests of those Plaintiffs who purchased or leased their vehicles through VW Credit, Inc. ("VW Credit") along with my resume (Exhibit A) and a list of those counsel who support my appointment (Exhibit B).

Among the close to four hundred cases filed in this litigation, to my knowledge, my firm was the first to identify the potential liability of VW Credit, Inc. ("VW Credit") as a lender, and to file a complaint naming VW Credit as a defendant¹, bringing statutory claims under the Truth In Lending Act, the Consumer Leasing Act, and alleging that, pursuant to the Holder In Due Course Rule, VW Credit's financing of those vehicle included in this litigation despite its knowledge of the breach of warranty, misrepresentation, and even fraud on the part of its parent company, constituted an unfair and deceptive trade practice. To my knowledge also, my firm brought the only case including a class of purchasers of extended warranties. To wit, the named Plaintiffs only seek to represent classes of owners or lessees of vehicles who entered into a retail installment contract or a consumer lease agreement with VW Credit, and/or who entered into an extended warranty contract in connection with their purchase or lease with VW Credit.

In addition to involving a different defendant than almost all of the 400 cases in this MDL, i.e., VW Credit, the claims against VW Credit involve different causes of action, different remedies specific to consumer finance claims and separate and distinct contracts all of which will necessitate the conduct of discovery separate and apart from the discovery in the cases against Volkswagen AG and/or Volkswagen Group of America, Inc. Separate experts and separate damages calculations will also be required. We believe that those unique and discrete claims and remedies justify a separate subclass, separate representation on the Steering Committee and treatment in this MDL.

¹ *Stone, et al. vs. VW Credit, Inc., et al.* filed in SD OH 1:15-cv-00686.

1. Experience And Court Appointments: Since leaving the practice of national and international commercial transactions in 2003, during which time I participated in notable transactions such as the purchase of all of the DeLorean cars from the government of the United Kingdom, I have dedicated my career to representing plaintiffs in complex litigation, including class actions and derivate actions, in cases that I carefully select. I and my firm have extensive knowledge and experience in these areas and have represented plaintiffs in a broad spectrum of complex, multi-party cases ranging from securities and ERISA actions to consumer class action cases and derivative actions and have acted as lead, co-lead or of-counsel counsel in the following cases:

(i) *Schacter, et al. v. Circuit City*; DC MA 05-cv-12456; re-filed in Hamilton County, Ohio Ct. of Common Pleas A0703712 (lead counsel); (ii) *DeWeese vs. Big O Tires, et al.* SD Ohio 09-cv-57 (lead counsel); (iii) *Wagner vs. Tracfone*, ED KY 06-cv-00053 (co-lead counsel); (iv) *Cowit, et al. vs. Celco Partnership*; Hamilton County, Ohio A0505869 (co-lead counsel); (iv) *City of Gallup, N.M. vs. Hotels.com, LP, et al.* DC NM 07-644 (co-lead counsel); (v) *Arnold vs. The Kroger Company*; Hamilton Cty. Ct. Common Pleas A1404763 (lead counsel); (vi); *Cowit, et al. vs. CitiMortgage, Inc.*; SD Ohio 12-cv-869 (lead counsel); (vii) *Collins vs. Bank of America, N.A.*; SD Ohio 13-00039 (lead counsel); (ix) *Ryskamp v. Boulder Growth & Income Fund, Inc.*, D. Col. 10-cv-0084 (co-lead); (iix) *In re Fannie Mae Securities Litigation*, Case No. 04-1639; DC. District of Columbia (of-counsel).

2. Names and Contact Information of Judges before whom I have appeared in the Matters Discussed in Response to Criteria No. 1 above:

Schacter, et al. v. Circuit City; Hon. Nathaniel M. Gorton; (D.Mass) - (617) 748-9158; *DeWeese vs. Big O Tires, et al.*; Hon. Walter Rice (S.D. Ohio) - (937) 512-1500; *Wagner vs. Tracfone*; Hon. David L. Bunning; (E.D. Ky.) - (859) 392-7925; *Cowit vs. Celco Partnership*; Hon. Beth A. Myers; Hamilton Cty. Ohio Common Pleas Ct. Cincinnati, OH 45202 - (513) 946-5102; *City of Gallup, N.M. vs. Hotels.com, LP*; (D, N.M.) Hon. John Conway (replaced by Judge Parker due to illness, died 2014) - (505) 348-2220; *Arnold vs. The Kroger Company*; Hamilton Cty., Ohio Common Pleas, Cincinnati, OH; Hon. Patrick J. Dinkelacker - (513) 946-3441; *Cowit vs. CitiMortgage, Inc.* and *Collins vs. Bank of America, N.A.*; (S.D. Ohio) Honorable Timothy S. Black - (513) 564-7640; *Ryskamp v. Boulder Growth & Income Fund, Inc.*, (D. Col.) Honorable William J. Martinez - (303) 335-2805.

3. Willingness and Ability to Commit to Time-Consuming Litigation and Access to Resources (Criteria 3 & 5): I am willing and have the ability to commit to a time-consuming process. If appointed by the Court, I and SH&E commit to dedicate whatever time is necessary to successfully manage and prosecute the case. SH&E has been extremely selective in the cases it has become involved with and has achieved an extraordinary record of success. As such, it has only committed its time and resources to those cases that it has thoroughly researched, evaluated and considered meritorious. We consider this case, and the claims against VW Credit, to be meritorious. The firm undertakes substantive work in all of the cases it prosecutes, from drafting the initial, amended and consolidated complaints, discovery and expert testimony, and development through trial and appeal. SH&E's efforts in the VW Credit, Inc. matters will be headed by me. I am one of the founding members of the firm. I personally take

and defend depositions, work with experts, argue all motions and try cases. I am supported by a team of senior attorneys, highly-qualified associates and seasoned paralegals. Some of SH&E's attorneys speak a foreign language and have served as law clerks for federal judges.

The firm has adequately funded its share of litigation costs over the years to prosecute complex and hard-fought cases to conclusion. Its success record in seeing risky cases to conclusion through trial or settlement underscores this commitment. SH&E is a well-established law firm with lawyers in offices in Ohio, Illinois, Michigan and Florida. The firm's resources include substantial work expertise and work-product, discussed above, which will be an obvious benefit to the class members that SH&E seeks to represent in this action.

4. Willingness and Ability to Work Cooperatively with Other Plaintiffs' Counsel and Defense Counsel: Throughout my career, I believe I have demonstrated my ability to work cooperatively with others. I have worked with many other attorneys in many litigation matters and financial transactions prior to 2003, and I believe I earned the trust and confidence of those attorneys.. SH&E, as lead or co-lead counsel, has found that regular communication and coordination of efforts among all counsel on a case are important to avoid the duplication of efforts and the waste of resources that can result if numerous qualified firms complete the same work. I also believe that frequent meet and confer conferences and communications with defense counsel are essential to build relationships, define issues and move a case forward. In addition, early in my career, I focused on complex commercial transactions, and mergers and acquisitions throughout the United States and the world. These areas of practice necessitate cooperation, effective communication among the various stakeholders, as well as an understanding of cultural differences that will serve me well in this case involving international entities.

5. Willingness to Serve as a Member of the Steering Committee/Class I seek to represent: Please see above.

6. Any Other Considerations that Qualify Counsel for a Leadership Position: Relevant to this Court's consideration is the fact that I and my firm have significant experience in the consumer finance area on the defense side, as it represents several major regional and national financial institutions.

Respectfully submitted,



Jeffrey P Harris